

EXHIBIT 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA)
MUNIZ, ELIZA CAMBAY, SAL) Case No.:
CATALDO, EMIR GOENAGA, JULIAN) 3:20-cv-04688
SANTIAGO, HAROLD NYANJOM, KELLIE)
NYANJOM, and SUSAN LYNN HARVEY,)
individually and on behalf of all)
others similarly situated,)
)
Plaintiffs,)
vs.)
)
GOOGLE LLC,)
)
Defendant.)
-----)

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

REMOTE PROCEEDINGS OF THE
VIDEOTAPED DEPOSITION OF GREG FAIR
MONDAY, OCTOBER 3, 2022

REPORTED BY NANCY J. MARTIN
CSR. NO. 9504, RMR, RPR
PAGES 1-256

1 around at Google?

2 A. I don't recall the specifics. This kind of
3 conversation would be actually pretty common. Product
4 teams and engineering teams probably have a number of
5 versions of an engineered thing. "We cannot go that
6 fast," and a product manager saying, "We'd like to go
7 faster." So that's not a surprising consideration.

8 Q. And what did you find impossible to parse in
9 English in this document?

10 A. So the reference that I made here, and I
11 think that I used the phrase "almost impossible to
12 parse." Okay. I'm reading it now. I don't know if I
13 feel the same way, but it's very specific to an
14 approach that our teams decided to take in regards to
15 the consent flows around account creation for kid
16 accounts.

17 And because of the nature of children and how
18 they engage with these flows, for better or for worse
19 the decision was made to include language everywhere
20 in the consent flows where it referenced the user, the
21 account holder, and update that language to say
22 something to the effect of, you know, "your child" as
23 opposed to "you"; right? Which led -- independent of
24 this particular concern expressed here, led to some
25 challenging infrastructure changes because if you

1 remember our conversation earlier about the consent
2 record, you can imagine having a whole different set
3 of consents and consent language with totally separate
4 record could be challenging to build.

5 So frustrated engineers as well. So this is
6 built on top of that kind of backdrop, and then some
7 recommended changes to the language that when the
8 addition of language around you, your child,
9 et cetera, gets included, gets a little tricky while
10 the base language may be more descriptive and more
11 helpful. When you add all this language around
12 children, the sense, it appears, as Jens was saying in
13 this E-mail, was that it's hard for him to parse the
14 language.

15 And in this E-mail I appear to be agreeing
16 that the knock-on effects on the child language did
17 seem to warrant some attention, but truly specific to
18 the way we ended up building child consent effectively
19 and what the implications of those changes were.

20 Q. Okay. And are you familiar with I guess it's
21 a term p13n.?

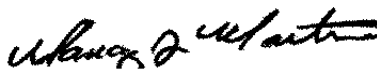
22 A. Yes.

23 Q. What does that mean at Google?

24 A. It's -- this is actually a pretty common
25 rhetorical approach to writing. Any time there's a

C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



Nancy J. Martin, RMR, CSR

Dated: October 5, 2022

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